

DECLASSIFIED

Authority EG 12958By AR NARA Date 10/273529

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

July 24, 1969

MEMORANDUM FOR AL HAIG

FROM: Bob Osgood *BOO*

SUBJECT: Law of the sea, etc.

The ad hoc committee for the CEP conference succeeded in covering up its differences sufficiently to get an agreed negotiating position. Nonetheless, the delegation members from State and DOD who are mostly interested in the law of the sea treaty fear that all the suppressed issues will arise again in Buenos Aires, where they will be outmaneuvered or their relatively uninformed principals in Washington will make crucial and unwise concessions leading to McKernan's signature of an agreement. They are sure that McKernan is determined to keep HAK out of the act and that he has every procedural right to do so under the instrumentality authorizing him to sign an agreement. Consequently, they would like to make signature of the treaty contingent upon HAK's concurrence in some form.

I have told them that the Under Secretaries Committee will be monitoring the conference, ^{but} that it is up to them to see that unresolvable differences get reviewed by the Committee rather than bargained away, and that HAK cannot be put in the position of asking, in effect, for a veto power over McKernan or Richardson.

Nevertheless, I agree with you that it would be highly improper for McKernan to sign an agreement (even if it has the formal concurrence of all the agencies specified in Circular 175's authorization) without letting HAK see it first. Therefore, I have written the attached letter. It is equally important, I think, to get a similar informal assurance from the Executive Secretary of State.

Attachment:

cc letter to Donald McKernan (State)

DECLASSIFIED
PA/HO Department of State
E.O. 12958, as amended
July 12, 2005

DECLASSIFIED

Authority EG 12958
By BR NARA Date 01/27NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

July 24, 1969

*Not sent. Communicated
telephonically.*

Dear Don:

I appreciated the opportunity to sit as an observer of the deliberations of your committee to prepare our position for the fisheries conference with the CEP countries. Let me express my admiration for the skill, tact, and fairness with which you conducted these deliberations in the face of some substantial underlying differences of approach advocated by strong minds. I hope that you will be as successful in forging a constructive agreement with the CEP representatives.

Of course, your committee cannot and should not try to tie down every point in advance; so a number of controversial issues among our delegation members may be reopened during the give-and-take of the conference. This represents a problem for the uninitiated in Washington who are trying to comprehend the subtleties of the basic issues. Henry Kissinger wants me to be cognizant of the negotiations in Buenos Aires so that I can alert him to issues that may raise the question of priority between the law of the sea treaty and resolution of the fisheries problem. Hopefully, such issues can be resolved satisfactorily in Buenos Aires, since no one wants to throw these intricate matters into the Under Secretaries Committee. In any event, I assume that Kissinger, as a member of the Under Secretaries Committee and in accordance with his memorandum of July 12 to Richardson, will have the opportunity to examine any agreement before it is signed. I shall keep my eye out for that contingency but not hold my breath.

My best wishes to you.

Cordially,



Robert E. Osgood

Mr. Donald L. McKernan
Special Assistant for Fisheries and Wildlife
to the Secretary
Department of State

DECLASSIFIED
PA/HO Department of State
E.O. 12958, as amended
July 12, 2005